

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

NATIONAL UNION FIRE INSURANCE
COMPANY OF PITTSBURGH, PA.,

Petitioner,

v.

LANDSCAPE SPECIALISTS, INC.,

Respondent.

Civil Action No. 1:19-cv-04670-DAB

Hon. Deborah A. Batts

**NOTICE OF CROSS-MOTION TO
COMPEL ARBITRATION, APPOINT
LANDSCAPE’S ARBITRATOR, AND
ENJOIN LANDSCAPE FROM
PROSECUTING ITS ACTION IN
CALIFORNIA**

ORAL ARGUMENT REQUESTED

PLEASE TAKE NOTICE THAT, upon Petitioner’s Memorandum of Law in Opposition to Respondent’s Motion to Dismiss and in Support of Its Cross-Motion to Appoint an Arbitrator and Enjoin Landscape From Pursuing Its Duplicative California Action dated August 5, 2019, and the Declaration of Adam J. Kaiser and exhibits attached thereto, Plaintiff National Union Fire Insurance Company of Pittsburgh, PA (“National Union”) will move this Court at the United States Courthouse, 500 Pearl Street, New York, New York, on a date to be determined by the Court, for an order pursuant to Sections 4 and 5 of the Federal Arbitration Act (“FAA”), 9 U.S.C. §§ 4-5, the agreement between National Union and Landscape Specialists, Inc. (“Landscape”) and Fed. R. Civ. P. 65(a), appointing an arbitrator and enjoining Landscape from pursuing its duplicative California action.

Dated: New York, New York
August 5, 2019

ALSTON & BIRD LLP

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